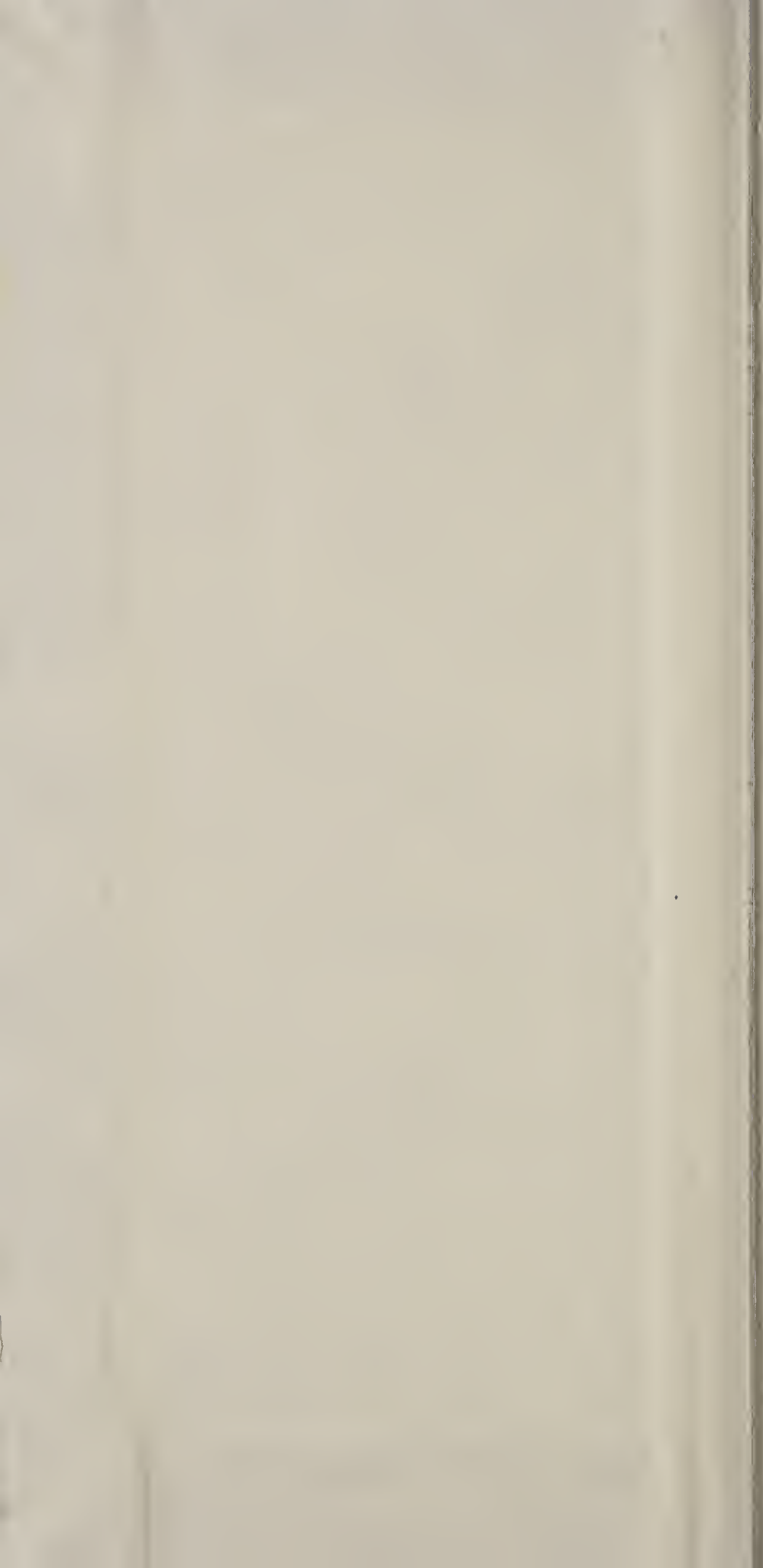






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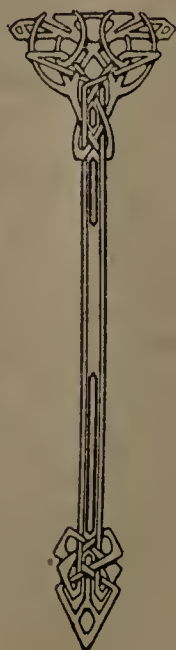
Cemetery ordinances, rules,  
by-laws and regulations

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# Cemetery Ordinances, Rules By-Laws and Regulations

MADISON BOARD OF  
CEMETERY TRUSTEES

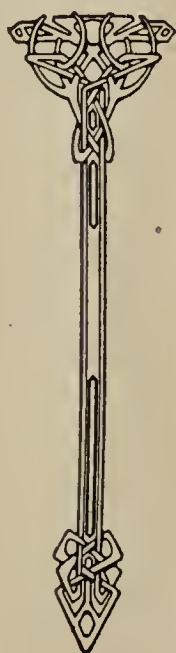


JANUARY 1, 1906



# Cemetery Ordinances, Rules By-Laws and Regulations

MADISON BOARD OF  
CEMETERY TRUSTEES



JANUARY 1, 1906

**Allen County Public Library**

900 Webster Street

PO Box 2270

Fort Wayne, IN 46801-2270



# BY-LAWS

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## RESPECTING THE TRUSTEES, THEIR TENURE, ETC.

Article 1. The Board of Trustees consists of three members, who must be lot-owners at the time of their election, and shall reside in the City of Madison, and any Trustee ceasing to be a lot-owner, or removing from the city, shall thereby vacate his office.

## RESPECTING MEETINGS.

Article 2. The Board of Trustees shall meet on the 1st Tuesday of each month, and two Trustees shall constitute a quorum.

## RESPECTING OFFICERS OF THE BOARD.

Article 3. The Officers of the Board of Trustees shall consist of a President, Superintendent, Secretary

and Treasurer, all of whom shall be elected by the Board at the first regular meeting after the annual election and shall hold their offices for one year, or until their successors are duly chosen; and in case of failure to elect the officers at the time specified, the election shall take place at the next regular meeting of the Board. At the first meeting in January the Board shall appoint a Sexton for the Cemetery, who shall hold office during the pleasure of the Board. No Trustee shall receive any salary, contract, or other emolument; for services rendered by him while holding the office of Trustee, and no Trustee, Sexton or any other paid employee of the Board, shall have any interest whatever in any work or materials furnished to the Cemetery, except Secretary and Treasurer's salary as fixed by the Common Council.

RESPECTING THE PRESIDENT AND  
(SUPERINTENDENT.)

Article 4. The President or Super-

intendent shall preside at all meetings of the Board of Trustees.

#### RESPECTING THE SECRETARY.

Article 5. The Secretary shall give notice of, and attend all meetings of the Board of Trustees, and keep a record of the proceedings.

#### RESPECTING THE SECRETARY'S DUTY.

Article 6. The Secretary shall keep a record of all deeds and index same. Shall give receipt for all moneys paid in from any source. Shall preserve and file all papers relating to the duties, and shall keep a record of all interments. Shall keep the necessary books, showing receipts and disbursements of all funds, and render a statement at every monthly meeting.

#### RESPECTING THE TREASURER.

Article 7. The Treasurer shall give bond in the sum of Five Hundred dollars for the faithful performance of the duties of his office. He shall have custody of the funds of the Cemetery. Shall pay bills approved

by the President, shall keep the necessary books, showing the receipts and disbursements of all funds passing through his hands, and render, at every regular meeting of the Board, a statement showing balance of funds on hand, and, at the first regular meeting after the annual election, the receipts and disbursements of the past year, and of the existing state of the funds, and of the property of the cemetery up to that time.

#### RESPECTING THE FUNDS OF THE CEMETERY.

Article 8. The funds of the Board of Trustees shall be deposited in the bank, to be withdrawn only on check of the Secretary and Treasurer and countersigned by the President.

#### RESPECTING THE CERTIFICATES OF THE OWNERSHIP OF LOTS.

Article 9. Deeds of ownership of lots will be issued in the first instance on payment in advance of the price of said lots. For every subsequent transfer or subdivision fifty cents will be charged for each new deed.

## RESPECTING THE SEXTON.

Article 10. I. He shall see that the regulations of the Superintendent and Board of Trustees with respect to interments, disinterments, the construction of tombs, and the improvements of lots by the holders thereof, be properly observed.

2. He shall have charge and keep an account of the property, tools and implements of the Cemetery which may be on the premises, and shall render to the Secretary an inventory of the same, to be incorporated in the Secretary's annual report.

3. The Sexton shall have power to employ or discharge workmen for the Cemetery, to order and arrange their respective duties, and to pay their wages as the Board may direct.

4. The Board of Trustees have adopted rules for the government and police of the Cemetery, and may, from time to time, adopt more. These it will be the duty of the Superintendent and Sexton to see properly en-

forced, and to attend generally to the instruction of the Board in reference to the affairs of the Cemetery.

5. In as much as it is desired that the lot holders shall have every facility afforded them in the care of their lots, it is enjoined on the Sexton, in his intercourse with them, to consult their wishes in this respect as far as he can do so consistently with his other duties.

#### IN REFERENCE TO ANY CHANGE IN THE BY-LAWS, RULES AND REGULATIONS.

Article II. The By-Laws, Rules and Regulations may be enlarged, altered, amended, or repealed at any regular meeting of the Board, provided, that a majority of the whole Board shall concur in the proposed proceeding.



# RULES and REGULATIONS

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## RULES CONCERNING INTERMENTS AND DISINTERMENTS.

1. No interment will be permitted in the Cemetery, or body deposited in the Receiving Tomb, without the proper burial certificate, issued in accordance with the Trustee's regulations. This rule is imperative.

2. Notice must be given to the Sexton at the Cemetery previous to the interment, in time to afford at least five hours of daylight for preparing the grave.

3. There is connection by telephone with the Cemetery, but in no instance will the Trustees be responsible for any error or mistake made in the transmission of messages. The service by telephone being one purely of accommodation.

4. The Sexton or his assistant, must be present at every interment, and to him will belong the duty of opening, closing and sodding the the graves.

5. Notice to the Sexton of an interment must be accompanied by directions as to the lot, and particular spot in the lot where the grave is to be opened. All monuments, tablets, head and foot stones must be put up under the supervision of the Sexton, in order to secure the work on a firm foundation, and to prevent the unsightly condition attendant on bad work.

6. No disinterment will be permitted without the consent of the Trustees being first obtained; and during the months of May, June, July August and September, no body will be disinterred within three years after decease, but from the first of October to the first of May disinterments may be made at any time after the death at the discretion of the Board.

7. The usual charges for disinter-



ments shall be the same as for interments. A disinterment and a reinterment will be counted the same as two interments.

8. In cases of disinterment from graves in the Public Ground or removal from the Cemetery, no allowance will be made for the grave vacated, but a relinquishment to the City of Madison of ownership in said grave shall be required before an order is issued for the disinterment and for which the usual charge will be made.

9. When graves in Public Ground are vacated by disinterment, with a view of reintering in a new purchase of a higher priced lot or grave, the price originally paid for such grave, less the charge for the original interment, shall be allowed in part payment of the new purchase. The usual charge for disinterring and reintering to be made.

10. Not more than one interment with contagion or infection shall be made in the same occupied grave,

whether in a public or private lot, and all interments shall be at least six feet under ground. No disinterment shall be made of one who died with infectious or contagious disease except with the consent of the Board of Trustees.

11. Not more than two interments shall be made in the same occupied grave.

12. Should any owner buy a more valuable lot in the Cemetery, the bodies may be removed thereto from the old lot, in accordance with the regulations, and the lot may be taken in part exchange, if so agreed by the Trustees, or may be at any time thereafter transferred by the said owner to any person under the usual regulations.

13. All interments and disinterments will be subject to the following charges, which, in all cases must be paid in advance.

(Note. Usual depth of grave is six feet, for a greater depth an increased charge will be made.)

## CHARGES FOR INTERMENTS AND DIS- INTERMENTS IN PRIVATE LOTS.

Opening, closing and filling and use of box for dirt, and tamping each grave over five feet in length \$4.00

Opening, closing, filling and use of box and tamping, each grave less than five feet \$3.00. Except for infants less than two years the price shall be \$2.00 for the same service.

Opening, closing and tamping each grave over five feet in length for a sealed vault \$8.00.

Opening, closing, tamping each grave, less than five feet in length, for a sealed vault \$4.50.

## RULES CONCERNING RECEIVING TOMBS.

1. The remains of any person who died of a contagious disease will not be admitted to this tomb or to any private vault.

## RULES RESPECTING VISITORS.

1. Children will not be admitted unless with their parents, or with persons having them especially in charge

Children will not be allowed to run at will over the grounds.

2. No riding or driving faster than a walk will be permitted. All riding and driving on the grass is strictly prohibited.

3. No refreshments or liquors of any kind will be allowed within the Cemetery.

4. No horses may be left in these grounds unfastened.

5. All persons are prohibited from plucking any flowers, either wild or cultivated, or breaking any tree, shrub or plant, nor shall any person be permitted to take up or remove from the Cemetery, any plant or flower without the consent of the Sexton.

6. No person with dogs will be admitted.

7. All persons are prohibited from writing upon, defacing or injuring any monument, fence or other structure in or belonging to the Cemetery.

8. Any person disturbing the quiet and good order of the place by

noise or other improper conduct, or who shall violate any of the rules will be compelled instantly to leave the grounds and on failure to do so shall be fined in any sum not to exceed \$25.

9. The gates are opened for entrance at 8 A. M. during November, December, January and February, and at 7 A. M. during the rest of the year, and are closed (except for egress) at sunset.

10. The Superintendent and Sexton and all persons acting under him shall have full authority to carry these regulations into effect, and shall give notice of any violations thereof to the Trustees.

11. Visitors are reminded that these grounds are sacredly devoted to the interment and repose of the dead, and that a strict observance of the decorum due to such a place will be required of all.

The Sexton is authorized and directed to remove all who violate these ordinances and commit trespasses. Trespassers are also liable to crimi-

nal prosecution and fine. The provisions of the law will be enforced in all cases of wanton injury.

While the Trustees exercise the greatest care in preventing any injury to lots or improvements, they cannot be held responsible for damage done.

12. The Trustees reserve the right without notice to prohibit or remove from lots any objectionable ornaments, chairs, settees, glass cases, artificial flowers, toys, or any other articles that may be considered objectionable.

13. Touch nothing in the Cemetery that does not belong to you.

#### RULES RESPECTING LOTS AND LOT-OWNERS.

1. To insure the proper regulations of the grounds, the grade of all lots will be determined by the Trustees. Mounds will not be permitted over six inches in height.

2. All workmen employed in the construction of vaults, curbing of lots; erection of monuments, etc., must be subject to the control and direction of



the Sexton, workmen failing to conform to this regulation will not be permitted afterward to work in the grounds.

3. To protect the grounds and especially improved lots from injury, all excavations for vaults and monuments will be made by the Sexton at the expense of the owners.

4. Persons may make improvements upon their lots. The Sexton shall do all other work and charge the regular prices for the same.

5. Foundations for monuments must be built of solid masonry, to the satisfaction of the Sexton, to whom due notice must be given. Headstones must have solid foundations not less than two feet deep. Monuments must have solid foundations not less than four feet deep.

6. No inclosure, consisting of wall or fence around any lot shall be erected, except by special permission of the Trustees previously obtained.

7. Wooden enclosures and lettered



boards designating graves will not be allowed.

8. The Trustees have no wish to interfere with the taste of the individuals in regard to the style of their improvement; but, yet, in justice of the interests of the whole, they reserve to themselves the right of preventing or removing any erection or inclosure which they shall consider injurious to the immediate locality, prejudicial to the general good appearance of the grounds, or which shall, in the judgment of the Superintendent, prevent the easy and proper care of the graves and lots; and also removing or pruning any trees or shrub which may obstruct or mar the effect and beauty of the scenery, or otherwise prove injurious, unsightly or detrimental.

9. All lots are sold and prepared by the Trustees and any additional improvement or change will be at the cost of the owner, and at moderate charges. The Sexton will make estimates of expense, which must be paid before the work will be done.

10. The lot-owners may erect any proper stones, monuments, sepulchral statuary thereon, and cultivate flowers in the same, but no trees growing within the lot or border shall be cut down or removed, without the consent of the Sexton. Neither litter nor trash shall be left on the lots or thrown on the avenues, but must be placed in boxes located on the avenue for that purpose.

11. All earth or rubbish accumulated by proprietors of lots, or workmen must be carefully removed as soon as possible, and deposited where the Sexton may direct.

12. Lots when graded and in grass, will be mowed, and ordinary care taken of them for a fee of \$2.00 a year, payable in advance, and the Trustees will take extra care, such as planting, watering and tending flowers, as the owner of the lot may authorize and direct. The Sexton will make estimate of expenses, and

the fee must be paid to the Sexton in advance.

13. No lot shall be used for any other purpose than as a place of burial for the dead.

14. If any trees or shrubs situated in any lot shall, by means of their roots, branches, or otherwise become detrimental to the adjacent lots or avenues, or unsightly or inconvenient, it shall be the duty of the Trustees, and they shall have the right to enter the said lot and remove the trees, plants, or shrubs; or any part thereof, at the expense of the lot-owners.

15. Whenever, in the opinion of Sexton, it shall be proper to remove shrubs or trees from any lot, notice shall be given to the lot-owner, and, if the consent of the lot-owner to such removal cannot be obtained, then the matter shall be referred to the Board of Trustees, who shall decide on the propriety of said removal. The notice above required shall be given personally, if convenient, otherwise, by letter through the post-office, if the address is known.

16. Persons desiring to purchase a lot shall first call on the Sexton at the Cemetery, who shall show the various lots ready for sale. The lot, when selected, must be paid for in cash without delay to the Secretary, who shall make out a deed for such lot, subject to all the rules and regulations.

No lots will be regarded as sold until fully paid for. If interments are made before such time, the Trustees reserve the right after demand and neglect to pay, to remove the bodies to the Public Ground, and place the lot on sale.

17. No order for interment will be issued until the lot is paid for.

Tariff of Prices for Private Lots.

According to work required.

18. Certificates for one or two graves in the Public Ground can be obtained, the price, (which includes the cost of sodding and interment) to be always paid in advance.

Each space five feet in length or less, \$4.50.

For care of lots, \$2.00 per year.

For sodding lots, \$15.00.

For grading lots, price to be fixed.



# CEMETERY ORDINANCE

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AN ORDINANCE creating and establishing a Board of Cemetery Trustees, providing for their appointment and fixing the terms of the members thereof, and prescribing their qualifications, duties and powers, and fixing and establishing their salaries.

(ORDAINED MAY 11, 1905.)

SECTION 1. *Be it Ordained by the Common Council of the City of Madison, Indiana,* That there is hereby created and established a Board of Cemetery Trustees, to consist of three members, not more than two of whom shall belong to the same political party, and all of whom shall be bona fide lot owners in some one of the cemeteries belonging to the City of Madison.

SEC. 2. The members of the Board of Cemetery Trustees shall be appointed by the Mayor of the City of Madison, as follows, to wit: On the first Monday in May 1905, the Mayor shall appoint three persons who shall be legal voters of the City, and who shall have the qualifications prescribed



in Section 1 hereof, as members of such Board, to serve as follows—one to serve for one year from the date of appointment, and one to serve for two years from the date of appointment, and one to serve for three years from the date of appointment. On the first Monday in May of each year thereafter, the Mayor shall appoint one person, who shall be a legal voter of the City, and who shall have the qualifications prescribed in Section one hereof, as a member of such Board, to succeed the member whose term shall have expired on such date, and who shall serve for three years from the date of such appointment. The members of such Board, within three days after their appointment thereon, shall meet and organize by electing one of their members President, one Secretary and Treasurer, and one General Superintendent, and the Secretary and Treasurer shall immediately make, execute and deliver a good and sufficient bond, in the penal sum of five hundred (500) dollars, payable to the City of Madison, conditioned for the faithful performance of his duties as Secretary and Treasurer, and for the accounting and payment to per-



sons, or authorities, entitled to receive same of all monies coming into his hands as such Secretary and Treasurer, which bond shall be approved by the Mayor, and filed with the City Clerk, and all succeeding Secretaries and Treasurers of such Board, shall make, execute and deliver like bonds, which shall be approved and filed in like manner.

SEC. 3. The Board of Cemetery Trustees shall take charge of, manage and control all the cemeteries belonging to the City, the lots, fences, walks, driveways, drains, sewers, shrubbery, buildings, etc. therein; they shall employ a Sexton and any and all other persons needed in and about the management and care of such cemeteries, and shall fix the salary or fees of such Sexton and other help; *Provided*, that they shall not give to such Sexton a fixed salary greater than two hundred and fifty (250) dollars per year, together with such per cent of fees as they may determine. Such Board shall be entitled to, and may have the services of the City Engineer for all purposes for which a Civil Engineer may be needed, without other, or further expense than the stated salary

paid by the City to such Engineer; such Board shall fix and establish the price of lots for burial purposes in such cemeteries, and shall sell same for cash and receive the monies paid therefor, and shall make, execute and deliver, and they are hereby expressly empowered and authorized to to make, execute and deliver, to the purchasers thereof, deeds for such lots, signed by the President, and attested by the Secretary and Treasurer of such Board. Such Board shall have charge and supervision of all work, of whatsoever kind or character, in and about such cemeteries, and shall hire all help needed to do such work, and pay same out of the funds in hand for such purpose, excepting always that any lot owners may, if they desire, do all work in and about the grading and care of their own lots, but such lot owner shall do such work in strict conformity with the plans, and under the supervision of such Board, and a failure, or refusal to do such work according to such plans, and under such supervision, shall bar such lot owners from the right to do such work at all; and such Board shall have full and entire charge, authority and power over

any and all other matters pertaining to the management and control of such cemeteries. But such Board of Cemetery Trustees shall not purchase additional lands for cemetery purposes, without first obtaining the express permission of the Common Council, expressed by written resolution assenting thereto.

SEC. 4. The Board of Cemetery Trustees shall keep a correct and itemized account of their receipts and expenditures, and shall submit same to the Common Council in the form of a report, for the time ensuing since their last report, at the first meeting of the Council held in the months of January and July of each year; such Board shall pay all monies, remaining in hand at the date of such report, arising from the sale of lots, care of same, or from any other source, excepting only bequests made by will, or donations by deed of trust, to such Board, as Trustees of an express trust for a specific purpose, which bequests and donations such Board may take, and accept, for the purposes for which made, into the City Treasury, and the same shall be held in such treasury, as, and for a cemetery fund, to

be applied to, and used for, the various purposes needed in and about the supervision, management, control and improvement of the Cemeteries of the City, under the direction of such Board, and for no other purposes, and to be always available for such purposes, and to be paid out upon the order of such Board only, *Provided*, that, at the time of such report, there should be no balance remaining in hand, but a deficit, then the Council shall appropriate a sum from the funds in the City Treasury sufficient to pay such deficit, which sum shall be paid to such Board of Cemetery Trustees, but no deficit aggregating more than twenty-five (25) dollars during any one year, shall be paid therefor, unless especially authorized by the Council, by resolution, before such deficits are contracted and created.

SEC. 5. The Board of Cemetery Trustees shall have the power, and they are hereby expressly authorized and empowered to make and promulgate any and all plans, rules and regulations not inconsistent with the law of the State, or the provisions of this Ordinance, needed in and about the supervision, management and control

of the Cemeteries of the City of Madison, and any person, or persons, firm, or corporation, violating any such plan, rule, or regulation, shall be, and is, guilty of a misdemeanor against the City of Madison, and may be fined, as provided in Section 7 hereof, and the Sexton, employed by such Board, or any other person specially designated for such purpose by such Board, is hereby expressly made, and constituted a special policeman, with full powers conferred on police by the law of the State, and the ordinances of the City, with jurisdiction in, over and about all the grounds used for cemetery purposes within the City.

SEC. 6. The Board of Cemetery Trustees shall serve without compensation, *Provided*, that, one, the member of such Board, who shall be elected Secretary and Treasurer, and who shall keep the accounts, and have the care and keeping of the monies thereof, may be paid a salary fixed by the Board not to exceed twenty-five (25) dollars per year.

SEC. 7. Any person, or persons, firm, or corporation, violating any of the provisions of any of the Sections of this Ordinance, or guilty of any mis-



demeanor, as provided in Section 5 hereof, shall be fined, upon charge preferred, trial had, and conviction before the Mayor, in any sum not to exceed fifty dollars and the costs of the action.

SEC. 8. All ordinances or parts of ordinances in conflict or inconsistent, herewith, are hereby repealed.

SEC. 9. This ordinance shall be in full force and effect from and after its passage, enrollment and legal publication.





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